

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JASON C. O'KANE,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

ORDER

Case No. 24-cv-234-wmc

Plaintiff Jason O'Kane has filed a civil action to review a decision of the Commissioner of Social Security denying his application for social security disability benefits. Plaintiff seeks to commence this action without prepaying the \$405 filing fee. The court considers this request under 28 U.S.C. § 1915.

In an affidavit of indigency, plaintiff reports total annual household income of \$77,292, including VA disability benefits and his spouse's average gross income from self-employment. His total monthly expenses are \$6,012.58, including housing costs, utilities, food, insurance, installment payments, telecommunications, and tobacco. Plaintiff has no dependents.

After considering his income, assets, and obligations, and other circumstances described in his affidavit of indigency, the court finds that plaintiff's financial situation does not warrant a determination of indigency. Plaintiff has no dependents, and his household income is well above what the court normally deems "indigent." His expenses are substantial, but they include multiple vehicles, non-residential acreage, and more than \$4,000 a year on tobacco products. Accordingly, plaintiff must prepay the filing fee to commence this action.

ORDER

IT IS ORDERED that plaintiff Jason C. O'Kane's motion for leave to proceed without prepaying the filing fee is DENIED. Plaintiff may have until May 20, 2024, to pay the \$405 filing fee to commence this action.

Entered this 19th day of April, 2024.

BY THE COURT:

/s/

ANDREW WISEMAN

United States Magistrate Judge